What Happens If a Trucking Company Doesn't Have Enough Insurance to Cover Your Injuries?

Federal Minimums, Excess Policies, and Other Sources of Recovery After a Georgia Truck Crash

A serious Georgia truck accident can cause injuries that cost more than a trucking company's insurance policy will pay. Spinal injuries, brain trauma, and wrongful death claims can quickly exceed the limits. When that happens, a Georgia truck accident claim depends on finding every other source of payment.

Federal law only sets a floor for trucking insurance, and many carriers buy little more than the minimum. Some carry excess policies, while others operate with thin coverage and few assets. Knowing which situation applies takes investigation, often before the trucking company's insurer makes its first offer.

Our Georgia truck accident attorneys at Gary Martin Hays, LLC look past the first policy the insurer discloses. We also look at who else shares responsibility for the crash and whose insurance may apply. That work starts early, while records, trucks, and company information are still available.

How We Help

- **Identify Every Insurance Policy** – We look for primary, excess, and umbrella coverage held by the motor carrier and other companies tied to the load.
- **Find Every Responsible Party** – Drivers, motor carriers, freight brokers, shippers, and trailer owners may each share fault and carry separate coverage.
- **Check Your Own Coverage** – Your uninsured motorist coverage may pay on top of the trucking company's policy.
- **Protect the Claim if a Carrier Fails** – We watch for bankruptcy, insolvency, and companies that shut down and reopen under a new name.
- **Value the Case Before Settling** – We document the full cost of your injuries before any release is signed.

https://www.youtube.com/shorts/TJ_7dIgG5-Y

How Much Insurance Does a Trucking Company Have to Carry?

Under 49 CFR 387.9, most for-hire interstate carriers hauling general freight need at least $750,000 in liability coverage. Carriers hauling certain hazardous materials need $1 million or $5 million. The $750,000 figure has been in place since 1985 and has never been adjusted for inflation.

Medical costs have risen considerably since then, while the federal floor hasn't moved. One catastrophic injury can use up a $750,000 policy. A crash with several injured people can drain it even faster. Everyone hurt in the wreck draws from the same limit, so each claim shrinks what's left for the others.

Why Truck Accident Cases Often Involve More Than One Defendant

Gary Martin Hays addressed this in a short video. “These cases are more complex than car accidents with multiple liable parties,” he said. “Identifying all responsible parties is key for full compensation under Georgia law.” That search often decides how much insurance coverage is ultimately available.

Each responsible company may have its own insurance. The motor carrier may lease the trailer from another business. A shipper may have loaded the cargo improperly. A maintenance shop may have skipped a brake repair. Learning who’s liable after a Georgia truck accident can open up coverage that a single policy never could.

Possible Sources of Recovery After a Georgia Truck Crash

Not every source applies in every case. Liability has to be proven against each party before its insurance pays. The table below shows the most common sources and what affects whether each one is available. Some can be identified from the crash report, while others only come out through investigation and discovery.

Source	When It May Apply	What to Know
Motor Carrier’s Primary Policy	The truck driver or carrier caused the crash	Often the first and largest policy, subject to its limits
Excess or Umbrella Policy	The carrier bought coverage above its primary limit	These policies aren’t always disclosed right away
Freight Broker’s Insurance	The broker carelessly chose an unsafe carrier	The U.S. Supreme Court allowed these negligence claims in 2026
Shipper or Loader	Improper loading or securement helped cause the crash	Requires proof tied to the cargo
Trailer Owner or Lessor	A defective or poorly maintained trailer contributed	Lease terms affect who is responsible
Your Uninsured Motorist Coverage	Your losses exceed the at-fault coverage	Georgia policies often stack this coverage on top

Freight Brokers Can Be Held Responsible

Freight brokers arrange loads but don’t drive the trucks. For years, brokers argued that federal law shielded them from state negligence claims. In 2026, the U.S. Supreme Court rejected that argument in *Montgomery v. Caribe Transport II, LLC*. The decision was unanimous, and it applies to cases across the country.

The Court held that a negligent-selection claim against a broker isn’t preempted by federal law. A broker that hires a carrier with a poor safety record may now face the claim directly. That matters when the carrier’s own policy is small. Freight broker negligence in Georgia truck accident cases can add another insurance policy to the case.

How Your Own Uninsured Motorist Coverage Can Help

Georgia treats a vehicle as uninsured when its liability coverage isn't enough to pay your losses. Under O.C.G.A. § 33-7-11, uninsured motorist coverage generally applies on top of the at-fault party's liability coverage. That is often called "add-on" or stacking coverage. It means the policy you paid for can add to what the trucking company's insurer pays.

A policyholder can reject that option in writing and choose a reduced version instead. That version only pays the difference between the at-fault coverage and your limits. Your own policy terms matter, so the declarations page should be reviewed early. Other household policies may also provide coverage.

What Happens When the Trucking Company Is Insolvent or Bankrupt?

Some carriers have little more than a truck and a minimum policy. When a carrier goes bankrupt, the injury claim may be delayed while the bankruptcy court sorts out its debts. Some companies shut down after a serious crash and reopen under a new name. Those chameleon carriers can make collecting a judgment harder.

Georgia law addresses part of this problem. Under O.C.G.A. § 40-1-112, the carrier's insurer can be added to the lawsuit in limited cases. One is when the carrier is insolvent or bankrupt. It can also be added when the driver or carrier can't be served despite reasonable efforts. For crashes on or after July 1, 2024, those are the only situations that allow it.

Federal rules add another layer of protection. Interstate carriers' policies typically include an MCS-90 endorsement from the Federal Motor Carrier Safety Administration (FMCSA). It requires the insurer to pay a final judgment for public liability within the stated limits. That applies even if the truck isn't listed on the policy.

Why the Insurer's First Offer Isn't the End of the Story

A trucking insurer may offer its policy limits quickly in a catastrophic case. That can look like the end of the road, but accepting usually means signing a release. A release can end claims against other parties if it isn't drafted carefully. Every potential source of coverage should be identified before anything is signed.

Gary warned about how these insurers operate. "Commercial trucking companies carry large insurance policies, but that also means their insurance companies fight harder," he said. "They may try to blame you, downplay your injuries, or argue the crash wasn't preventable." Dealing with insurance after a Georgia truck accident takes preparation on every front.

An Example of Losses Outrunning Coverage

Think about a Douglasville father driving home on I-20 when a tractor-trailer slams into his car in stopped traffic. He suffers a spinal cord injury and can't return to work. The small carrier's insurer offers its $750,000 limit, which may not cover even his future medical care.

An investigation might show the carrier had a poor safety history when a freight broker hired it. His own policy might include add-on uninsured motorist coverage. Those sources could add to the recovery before he signs any release. The details of each case decide what is available.

One Policy Shouldn't Set the Limit on Your Recovery

An insurance limit isn't a measure of what a serious injury is worth. In many cases, it's only the starting point for finding coverage. Starting the search early improves the chance of finding policies and evidence. Companies can close, and records can disappear, within months of a crash. A careful review also makes sure no settlement closes the door on other claims.

Hurt in a Georgia truck crash and worried the insurance won't be enough? Learn more about your legal rights and options in a free consultation. With our No Fee Guarantee, you won't pay anything unless we win. We'll review every available policy before you make any decision about settling.